

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION  
1685 "E" Street, Fresno, California 93706

**NOTICE OF PUBLIC HEARING**  
concerning

**ADOPTION OF A NEW TIME SCHEDULE ORDER  
REQUIRING  
CITY OF ATWATER  
ATWATER REGIONAL WASTEWATER TREATMENT FACILITY  
MERCED COUNTY  
TO COMPLY WITH REQUIREMENTS PRESCRIBED IN ORDER R5-2011-0082  
(NPDES PERMIT NO. CA0085308)**

The Atwater Regional Wastewater Treatment Facility (Facility) is owned by the City of Atwater (City) and operated and maintained by Veolia Water North America – West, LLC. The Facility provides tertiary level treatment with ultraviolet light disinfection and is authorized by Waste Discharge Requirements Order R5-2011-0082 (NPDES Permit No. CA0085308) to discharge up to 6.0 million gallons per day to Peck/Atwater Drain, which is hydraulically connected to the San Joaquin River, a water of the United States. The Facility was built to replace the City's wastewater treatment plant on Commerce Avenue, as a primary means of complying with new, more stringent discharge requirements prescribed in Order R5-2007-0063 (NPDES Permit No. CA0079197). New effluent limitations for zinc, among other constituents, became applicable to the discharge from the old Commerce Avenue wastewater treatment plant on 18 May 2010. The City requested a Time Schedule Order (TSO) to allow a time schedule for compliance with new effluent limitations in Order R5-2007-0063. On 18 May 2010 the Central Valley Regional Water Quality Control Board (Central Valley Water Board) Executive Officer issued TSO R5-2010-0903 allowing a time schedule for the City to complete construction of the Facility and comply with new, more stringent requirements. Order R5-2011-0082 retained effluent limitations for the same constituents that had new and/or more stringent effluent limitations in Order R5-2007-0063. The Facility commenced discharge to Peck/Atwater Drain on 6 June 2012. Effluent data from the Facility indicate that the discharge can consistently comply with the effluent limitations in Order R5-2011-0082, with the exception of the average monthly and maximum daily effluent limitations for zinc.

The Central Valley Water Board will consider adoption of a new TSO. The proposed TSO includes a compliance schedule requiring the City to comply with the effluent limitations for zinc within five years from the adoption date of the TSO. The TSO includes interim effluent limitations for zinc and interim milestones.

A public hearing concerning this matter will be held during the Central Valley Water Board meeting that is scheduled for:

DATE: 30/31 May 2013  
TIME: 8:30 a.m.  
PLACE: Central Valley Regional Water Quality Control Board  
11020 Sun Center Drive, #200  
Rancho Cordova, CA 95670

The designated party for this hearing is as follows:

- City of Atwater

Designated parties, but not interested persons will have these rights: to call and examine witnesses; to cross-examine opposing witnesses; to impeach any witness; and to rebut the evidence against him or

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her. Central Valley Water Board staff will prepare the administrative record, and may present evidence, make an oral presentation and cross-examine opposing witnesses.

Interested persons may not cross examine witnesses, and will not be subject to cross examination. Interested persons may submit evidence (e.g., photographs, eye-witness testimony, monitoring data) if the evidence is submitted in accordance with the deadlines for submitting evidence described below. Interested persons who present evidence may be subject to cross-examination. Interested persons may request status as a designated party for purposes of this hearing by submitting such request in writing to the Central Valley Water Board no later than **24 April 2013**. The request must explain the basis for status as a designated party and in particular how the person is affected by the discharge.

The proposed TSO was issued for public comment on 21 March 2013. Persons wishing to comment on this item must submit testimony, evidence, if any, and/or comments in writing to the Central Valley Water Board no later than by **5 p.m. on 24 April 2013**. Testimony, evidence, and/or written comments submitted after **5 p.m. on 24 April 2013** will not be accepted and will not be incorporated into the administrative record if doing so would prejudice any party.

All designated parties and interested persons may speak at the Central Valley Water Board hearing and are expected to orally summarize their written submittals. Oral testimony and cross examination will be limited in time by the Board Chair. Both designated parties and interested persons may be asked to respond to clarifying questions from Board members, counsel staff, or others at the discretion of the Central Valley Water Board.

Anyone having questions on the proposed TSO should contact Aide Ortiz at (559) 445-6083 or at [aortiz@waterboards.ca.gov](mailto:aortiz@waterboards.ca.gov). Interested parties may download the proposed TSO and related documents from the Central Valley Water Board's Internet website at [http://www.waterboards.ca.gov/centralvalley/board\\_decisions/tentative\\_orders/](http://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/). Copies of these documents can also be obtained by contacting or visiting the Central Valley Water Board's office at 1685 "E" Street, Fresno, California 93706 weekdays between 8:00 a.m. and 5:00 p.m.

The final Central Valley Water Board meeting agenda will be available at [http://www.waterboards.ca.gov/centralvalley/board\\_info/meetings/#2013](http://www.waterboards.ca.gov/centralvalley/board_info/meetings/#2013) at least ten days before the meeting. The agenda will provide the dates the hearing will be held, will indicate the anticipated order of agenda items, and may include staff revisions to the proposed TSO.

The procedures governing Central Valley Water Board meetings may be found at Title 23, California Code of Regulations, Section 647 et seq. and are available upon request. Hearings before the Central Valley Water Board are not conducted pursuant to Government Code section 11500 et seq. The procedures may be obtained by accessing [http://www.waterboards.ca.gov/laws\\_regulations/](http://www.waterboards.ca.gov/laws_regulations/). Information on meeting and hearing procedures is also available on the Central Valley Water Board's website at [http://www.waterboards.ca.gov/centralvalley/board\\_info/meetings/mtgprocd.shtml](http://www.waterboards.ca.gov/centralvalley/board_info/meetings/mtgprocd.shtml) or by contacting any one of the Central Valley Water Board's offices. Questions regarding such procedures should be directed to Ms. Kiran Lanfranchi-Rizzardi at (916) 464-4839.

The hearing facilities will be accessible to persons with disabilities. Individuals requiring special accommodations are requested to contact Ms. Kiran Lanfranchi-Rizzardi at (916) 464-4839 at least 5 working days prior to the meeting. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

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Please bring the above information to the attention of anyone you know who would be interested in this matter.

  
LONNIE M. WASS, Supervising Engineer

21 March 2013